XI-HC—78

16/11/07

(30)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cr M.P. No. 2408/07 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

SB: HON'BLE SHRI DHIRENDRA MISHRA, J.

PETITIONERS

1. Smt. Poonam Vaishnav @ Purnima Vaishnav, aged about 26 years, wife of Shri Sunil Kumar Vaishnav
2. Prashu @ Shikhar Vaishnav, aged about 04 years, son of Shri Sunil Kumar Vaishnav
3. Ku. Gungun Vaishnav, aged about 02 years, D/o Shri Sunil Kumar Vaishnav

The petitioners No. 2 and 3 are minors, through their natural guardian mother Smt. Poonam Vaishnav wife of Shri Sunil Kumar Vaishnav

All are residents of near Tahsil Chowk Ranigaon, Police Station and Tahsil Lormi, Distt. Bilaspur (CG)

VERSUS

RESPONDENT

Sunil Kumar Vaishnav, aged about 33 years, S/o late Shri Girvardas Vaishva, Resident of Old Sarkanda, Daihanpara Bilaspur, Distt. Bilaspur (CG) Office of Assistant Commissioner, Central Excise Duties and Taxes, near Nehru Chowk, Bilaspur, Distt. Bilaspur (CG)

14-11-2007

Shri P. P. Sahu, Advocate, for the petitioners.

Shri Sanjay S. Agrawal, Advocate for the respondent.

Heard.

2. By this petition under Section 482 of Cr.P.C. the petitioners have questioned the legality and correctness of the order dated 12th March, 2007 passed in Criminal Revision No. 222/2006 preferred by

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(31)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cr. M.P. No. 248/07 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

the petitioners and Criminal Revision No. 310/2006 preferred by the respondent whereby the learned Second Additional Sessions Judge (FTC) Mungeli has rejected the criminal revision of the respondents and partly allowed the criminal revision of the petitioners and enhanced the amount of maintenance in favour of petitioners No. 2 and 3 from Rs. 1000/- to Rs. 1250/- each, however rejected the prayer for grant of maintenance to petitioner No. 1-wife.

3. The only ground urged by the learned counsel for the petitioners is that the amount of maintenance of Rs. 1250/- each in favour of petitioners No.2 and 3 is inadequate as both of them are aged about 5 and 7 years and looking to the prevailing cost of living, the same is not sufficient for meeting the bare necessities of the education of the two petitioners.

4. After taking into considerations the reasons assigned by the learned Additional Sessions Judge for rejecting the prayer of the petitioner No. 1 and also considering that Rs. 1250/- each has been awarded as maintenance to petitioners No. 2 and 3 who are just 5 and 7 years old, I do not find any illegality or infirmity in the impugned order warranting interference under Section 482 of Cr.P.C.

5. The petition being devoid of substance deserves to be dismissed and it is hereby dismissed.

Sd/-
Dhirendra Mishra
Judge

P/